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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,410	04/13/2004	Robert M.M. Haddock	50200-00056	3245

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EXAMINER

GILBERT, WILLIAM V

ART UNIT

PAPER NUMBER

3635

MAIL DATE

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08/05/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/823,410

Applicant(s)

HADDOCK, ROBERT M.M.

Examiner

William V. Gilbert

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 31-42, 44-46 and 48-63 is/are pending in the application.
4a) Of the above claim(s) 7-11, 14, 15, 32-37, 46, 48, 55-59, 62 and 63 is/are withdrawn from consideration.
5) ☒ Claim(s) 1-6, 12 and 13 is/are allowed.
6) ☒ Claim(s) 31, 38-42, 45, 49-51, 53, 54, 60 and 61 is/are rejected.
7) ☒ Claim(s) 44 and 52 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

This is a final Office action. Claims 1-15, 31-42, 44-46 and 48-63 are pending. Applicant cancelled claims 16-30, 43 and 47.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 31, 38-42, 45, 49-51, 53 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haddock (U.S. Patent No. 2002/0088196) in view of Hague (U.S. Patent No. 4,467,582).

Claim 31: Haddock discloses a clamp and panel assembly comprising a panel assembly comprising a plurality of interconnected panels with base sections (Fig. 7c: 58) and ribs (proximate 66), and a clamp (200) mounted on the first rib comprising a first clamping member (portion 204) that engages a first sidewall of the rib (it engages the rib by being in proximity to the rib) and extends beyond the first rib (it

extends beyond in both vertical and horizontal directions) the portion has a cantilever (see "A" from attached Fig. 7c below,) an attachment mounting fastener (292) threadably engaged with said mounting flange, a second clamping member (244) that engages the second sidewall of the first rib (as shown) the second clamping member extends beyond the first rib (in a horizontal direction,) a first end ("B" below) of the second clamping member engages an underside of the mounting flange a first fastener (276) located beyond the first rib and associated with both first and second clamping members (it is associated with the two members in that as it is tightened, it draws the members together) and the first fastener lacks a nut.

While Haddock discloses panels with bases and ribs, it does not disclose the limitations of the bases and ribs as claimed. Hague discloses a panel with ribs (Fig. 1: 28) and base members (proximate 26) where the ribs have first and second sidewalls. (36, 38) that extend away from the base section. It would have been obvious at the time the invention was made to a person having ordinary skill in the art as a matter of duplication of parts to have this limitation because duplication of parts has no patentable significance unless a new and unexpected result is produced. *In re Harza*, 274 F.2d 669 (CCPA 1960). See MPEP §2144.04.

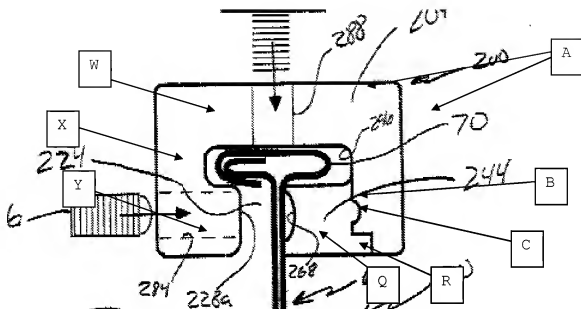


Figure 31 from Haddock

Claim 38: Haddock discloses a clamp and panel assembly comprising a panel assembly (Fig. 7c: 58) comprising a plurality of interconnected panels having base sections (58) and ribs (66) the ribs have sidewalls (proximate 66) that extend away from the base section, the sidewall has indentations (portion 66 and proximate 62 are indentations compared to portion proximate 70) and a clamp (200) mounted on a rib comprising a first clamping member (204) that engages a first sidewall of the first rib where the clamping member comprises a mounting flange ("A" above) in the form of a cantilever, an attachment member (292) threadably engaged with the mounting flange, a second clamping

member (244) engaging the second sidewall of the first rib and extends beyond the first rib (in a horizontal direction), the second clamping member is a separate piece from the first clamping member and has a first end ("B" above) that engages an underside of the mounting flange and a second head (268) disposed in the second indentation and a first fastener (276) located beyond the first rib (horizontally) associated with the first and second clamping members (see above for explanation of "associated") and is in addition to the attachment mounting fastener, wherein activation of the first fastener causes the clamping members to exert at least an inwardly-directed force on the first rib.

Haddock does not disclose the limitations of the panel having a plurality of base portions or ribs between the base portions and the limitations of the ribs as claimed, though it does disclose the sidewalls are non-parallel (portion 70 is not parallel to portion indicated by 66) and the second side wall has an indentation (proximate 66 is an indentation in relation to portion 70). Hague discloses a panel with a plurality of ribs (Fig. 1: 28) and base members (proximate 26) where the ribs have first and second sidewalls (36, 38) that extend away from the base section in a non-parallel relation and further has a second indentation (42). It would have been obvious at the time the

invention was made to a person having ordinary skill in the art as a matter of duplication of parts to have this limitation because duplication of parts has no patentable significance unless a new and unexpected result is produced. *In re Harza*, 274 F.2d 669 (CCPA 1960). See MPEP §2144.04.

Claim 39: Haddock does not disclose the shape of the panel, however Hague discloses a hollow trapezoidal shaped rib. It would have been obvious at the time the invention was made to a person having ordinary skill in the art as a matter of design choice to have this limitation because a configuration of an invention is a matter of choice that a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of the claimed subject matter was significant. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). See MPEP §2144.04.

Claim 40: a first reference plane is associated with the plurality of base sections, the rib has a top wall (Hague: Fig. 7, proximate 58) that interconnects the first and second sidewalls and is in a spaced relation to the base sections (it is spaced vertically.)

Claim 41: the first sidewall has a first indentation (Haddock: proximate 66 and Hague: proximate 48) on the exterior

surface of the first rib and the clamp has a first head (Haddock: proximate 228a) that is disposed in the indentation.

Claim 42: while the prior art of record discloses heads, it does not disclose the heads are convexly shaped. It would have been obvious at the time the invention was made to a person having ordinary skill in the art as a matter of design choice to have this limitation because a configuration of an invention is a matter of choice that a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of the claimed subject matter was significant. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). See MPEP §2144.04.

Claim 45: the underside of the mounting flange of the first clamping member has a recess ("C" above) that is concave and arcuately shaped, and the first end of the second clamping member is convex and arcuately shaped (proximate "C") and is disposed in the recess of the first clamping member where activation of the first member causes the second member to move relative to the first clamping member at least generally about the first projection (activation of member 276 would cause this action.)

Claim 49: Haddock discloses a clamp and panel assembly comprising a plurality of interconnected panels with base

sections (Fig. 7c: 58) and ribs (66), and a clamp (200) mounted on a first rib comprising a first clamping member (204) engaging a first sidewall of a first rib that is disposed beyond the rib (in both a horizontal and vertical direction) the first section comprises a mounting flange in the form of a cantilever ("A" above), a mounting fastener (292) threadably engaged with the flange, a second clamping member (244) that engages a second sidewall of a rib and extends beyond the rib (horizontally) and has a first end ("B" above) that engages an underside of the mounting flange of the first clamping member, and a first fastener (276) located beyond the first rib and associated with the first and second clamping and is in addition to the attachment mounting fastener, wherein activation of the first fastener retains the clamping members on the rib.

Haddock does not disclose the limitations of the panel having a plurality of base portions or ribs between the base portions, and the limitations of the ribs as claimed. Hague discloses a panel with a plurality of ribs (Fig. 1: 28) and base members (proximate 26) where the ribs have first and second sidewalls (36, 38) that extend away from the base sections. It would have been obvious at the time the invention was made to a person having ordinary skill in the art as a matter of duplication of parts to have this limitation because duplication

of parts has no patentable significance unless a new and unexpected result is produced. *In re Harza*, 274 F.2d 669 (CCPA 1960). See MPEP §2144.04.

Claim 50: the first fastener lacks a nut for retaining the fastener.

Claim 51: the first section ("W" above) of the first clamping member is parallel with the base.

Claim 53: the second sidewall has a second indentation (proximate 62; it is an indentation compared to member 70) on an exterior surface of the rib and the second clamping member has a second head (proximate 268) disposed in the indentation.

Claim 54: the first sidewall has an indentation (portion 66 is an indentation relative to member 70) on the exterior surface of the rib and the first clamping member has a first head (proximate 228a) disposed in the indentation.

Claim 49, 60 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dressler (U.S. Patent No. 7,127,852) in view of Hague.

Claim 49: Dressler discloses a clamp and panel assembly (see Fig. 15) having a panel assembly (57) comprising a plurality of interconnected panels having base sections and ribs, and a clamp (10) mounted on a rib comprising a first

clamping member (10) that engages a first sidewall of said first rib (see above for definition of "engaging") and comprises a first section (see "O" from attached Fig. 15 from Dressler, below) that is disposed beyond the first rib, where in the first section comprises a mounting flange in the form of a cantilever ("P" below), an attachment mounting fastener (50) threadably engaged with the mounting flange, and a second clamping member (20) that engages a second sidewall of a rib and extends beyond the rib (both vertically and horizontally) and comprises a first end that engages an underside of the mounting flange of the first clamping member, and a first fastener (60) located beyond the first rib associated with the first and second clamping members, and in addition to the attachment mounting fastener, and activation of the first fastener retains the first and second clamping members on the first rib.

Dressler does not disclose the limitations of the panel having a plurality of base portions or ribs between the base portions, and the limitations of the ribs as claimed. Hague discloses a panel with a plurality of ribs (Fig. 1: 28) and base members (proximate 26) where the ribs have first and second sidewalls (36, 38) that extend away from the base sections. It would have been obvious at the time the invention was made to a person having ordinary skill in the art as a matter of

duplication of parts to have this limitation because duplication of parts has no patentable significance unless a new and unexpected result is produced. *In re Harza*, 274 F.2d 669 (CCPA 1960). See MPEP §2144.04.

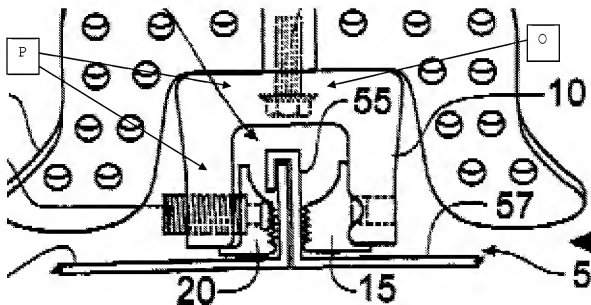


Figure 15 from Dressler

Claim 60: the second clamping member has a non-threaded bore (Dressler, see Fig. 9: 23), and the other member has a threaded bore (Fig. 5: 21) and the fastener (60) extends through the non-threaded bore and into the threaded bore (as shown in Fig. 15.)

Claim 61: the first fastener extends complete through each of the first and second clamping members (see Fig. 3, generally,) and the fastener lacks a nut.

Allowable Subject Matter

2. **Claims 1-6, 12-13** are allowed.

Claims 44 and 52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection as applicant amended the claims.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William V. Gilbert whose telephone number is 571.272.9055. The examiner can normally be reached on Monday - Friday, 08:00 to 17:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571.272.6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/W. V. G./
Examiner, Art Unit 3635

/Basil Katcheves/

Primary Examiner, Art Unit 3635